

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LYNNEVE NUNEZ,)
Plaintiff(s),) Case No. 2:13-cv-00392-GMN-NJK
vs.) ORDER
TERRY CHARLES HARPER, et al.,) (Docket Nos. 90, 91)
Defendant(s).)

16 Pending before the Court is Defendants' motion to exclude documents produced late in
17 discovery. Docket No. 90. Plaintiff filed her opposition on November 14, 2014. Docket No. 94.
18 Defendants' motion does not comply with Federal Rule of Civil Procedure 5.2(a) as it contains
19 improper confidential information.¹ Rule 5.2 provides that a filing with the Court should not contain
20 an individual's social-security number or birth date. Fed.R.Civ.P. 5.2(a). Accordingly, the Clerk
21 of the Court shall seal Defendants' motion to exclude documents produced late in discovery (Docket
22 No. 90).

23 Also before the Court is Defendants' motion to exclude documents produced following the
24 close of discovery. Docket No. 91. "Defendants *anticipate* that Plaintiff will attempt to introduce

26 ¹ Unless the court orders otherwise, in an electronic or paper filing with the court that
27 contains an individual's social-security number, taxpayer-identification number, or birth date, the
name of an individual known to be a minor, or a financial-account number, a party or nonparty
making the filing may include only:

28 (1) the last four digits of the social-security number and taxpayer-identification number;
(2) the year of the individual's birth;
(3) the minor's initials; and
(4) the last four digits of the financial-account number.

1 records related to [a recent shoulder surgery] and potentially other additional treatment at trial. *Id.*,
2 at 3 (emphasis added). Defendants represent that since discovery is closed, they will not have
3 “opportunity to properly evaluate and respond to these records, *assuming* any such records are
4 supplemental or disclosed by Plaintiff prior to trial.” *Id.*, at 6 (emphasis added). As such,
5 Defendants’ motion is premature since the records they are seeking to exclude have not been
6 disclosed by Plaintiff.

7 Based on the foregoing,

8 IT IS SO ORDERED:

9 1. The Clerk of the Court shall seal the following document: Docket No. 90.

10 2. No later than November 25, 2014, Defendants shall refile their motion to exclude
11 documents produced late in discovery (Docket No. 90) with the appropriate
12 redactions of confidential information.

13 3. Defendants’ motion to exclude documents produced following the close of discovery
14 (Docket No. 91) is **DENIED** without prejudice.

15 DATED: November 18, 2014

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18 NANCY J. KOPPE
United States Magistrate Judge

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